



07-13-04

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Attorney Docket No. EIS-5799 (1417G P 570)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

James Martucci et al.

Application No.: 10/043,891

Confirmation No.: 6265

Filed On:: January 11, 2002

Examiner: Roz Maiorino

Art Unit: 3763

For: MEDICATION DELIVERY SYSTEM

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97 AND 1.98**

Dear Sir:

Applicants submit herewith Form PTO-1449, "Supplemental Information Disclosure Statement," and a copy of each reference listed therein.

Since this Statement is being filed after a first Official Action on the merits, but before a Final Official Action or a Notice of Allowance and with a Certificate Pursuant to 37 C.F.R. §1.97(e), no fee is necessary.

Applicants are submitting this art because they recognize their duty to disclose pursuant to 37 C.F.R. §1.56. However, submission of this art and Statement is not an admission any item identified contains matter anticipating the invention or rendering the invention obvious to a person of ordinary skill in the art. Further, Applicants believe none of the art submitted herewith, alone or in proper combination, discloses, teaches or suggests the invention claimed by Applicants.

The citation of a reference is also without admission the reference is sufficient to teach one of ordinary skill in the art how to make or use the subject matter thereof or the reference is, or is considered to be, material to the patentability as defined in 37 C.F.R. §1.56(b).

Moreover, submission of these patents is without admission any of the patents constitutes statutory prior art or has an effective date prior to Applicants' effective date of invention.

Applicants specifically reserve all rights of privilege and confidence with respect to this matter. A submission of this document is not to be construed as a waiver of those rights. In addition, the filing of this Statement is not to be construed as a representation a search had been made by Applicants or counsel.

CERTIFICATION PURSUANT TO 37 C.F.R. §1.97(E)

The undersigned attorney states each item of information contained in this Information Disclosure Statement was cited in a Communication from a foreign Patent Office, namely the European Patent Office, in a counterpart foreign patent application, namely International Application No. PCT/US02/38904, filed May 12, 2002, the Communication being mailed from the Office on April 14, 2004, which is not more than three (3) months prior to the filing of this Information Disclosure Statement.

Please charge any additional fees associated with this Communication or credit any overpayment to our Deposit Account No. 23-0280.

Respectfully submitted,

Dated: July 12, 2004

By:



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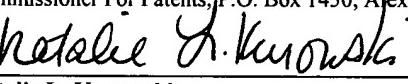
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**CERTIFICATE OF MAILING (37 C.F.R. § 1.10)**

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Date of Deposit: July 12, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Natalie L. Kurowski

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
PTO-1449

Sheet 1 of 1



Application No.: 10/043,891  
Filing Date: January 11, 2002  
First Named Inventor: James Martucci  
Art Unit: 3763  
Examiner Name: Roz Maiorino  
Attorney Docket Number: EIS-5799 (1417G P 570)

**U.S. PATENT DOCUMENTS**

Examiner Initial	U.S. Patent Document Number	Name of Patentee or Applicant	Date of Publication

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Country	Translation
	WO 01/39816 A2	06-07-2001	PCT	Yes
	WO 01/88828 A2	11-22-2001	PCT	Yes

**OTHER PRIOR ART OR NON-PATENT LITERATURE DOCUMENTS**

Examiner Initial	(including Author (in capital letters), Title of the article, Title of the item, Date, Pages, Volume-Issue number, Publisher, City and/or Country where published.)
	International Search Report, mailed April 14, 2004 from the European Patent Office, in connection with International Application No. PCT/US02/38904, filed May 12, 2002 by Applicant Baxter International Inc.

Examiner Signature: \_\_\_\_\_ Date Considered: \_\_\_\_\_

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.